REMARKS

This Amendment is being filed in response to the Final Office Action of October 29, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in the Present Application.

In the Final Office Action, the specification is objected to as allegedly failing to provide antecedent basis for the subject matter of claim 20 which previously recited a "computer program product" and further, claim 20 is rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicants respectfully traverse this objection and rejection for at least the following reason.

In support of the 112 rejection, the Final Office Action states (on page 2, paragraph 3) that:

> "computer program product" is not defined in the specification with further detail for one of ordinary skill in the art to understand what computer program product represents.

However, the basis for this specification objection is squarely contradicted and undermined by the basis for the rejection under 35 U.S.C. §101, wherein the Final Office Action states (beginning on page 3, paragraph 4) that:

> According to the specification of the invention "a computer program" is reasonably interpreted by one of ordinary skill as just software, it is a system of software, per se. In this claim the function of the program is just software not any hardware. (Emphasis added).

As such, the Final Office Action explicitly acknowledges that the present specification includes sufficient disclosure to provide antecedent basis for the term "computer program product".

However, without agreeing with this objection and rejection, and in the interest of advancing prosecution, claim 20 is amended to recite "[a] computer readable memory medium comprising program instructions stored thereon ..." Antecedence for a computer readable memory medium is provided on page 10, line 8 through page 11, line 13 of the specification of the present application. For example, the specification provides "the rendering apparatus includes a processor 310 for controlling other hardware and software function in the apparatus and providing additional

software functionality." (See, present patent application, FIG. 3 and page 10, lines 9-11.) The specification further provides that "[t]he rendering apparatus 300 also includes a memory 320. The memory may store the program executed by the processor 310." (See, present patent application, page 11, lines 7-8.) It is respectfully submitted that proper antecedence basis for claim 20 is provided and further, claim 20 is clearly statutory since claim 20 clearly defines a functional interrelationship between the data structure and other aspects of the invention which permit the data structures functionality to be realized. Accordingly, withdrawal of the objection and rejection under 35 U.S.C. §101 is respectfully requested.

In the Final Office Action, claims 1-8 and 10-20 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Publication No. 2002/0078144 to Lamkin ("Lamkin"). Claim 9 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Lamkin in view of U.S. Patent No. 7,200,323 to Evans ("Evans"). It is respectfully submitted that claims 1-20, are allowable over Lamkin alone and in view of Evans, for at least the following reasons.

Lamkin shows a system that includes bookmarks for local content (see, paragraph [0130]) and bookmarks for server content (see, paragraph [0137]). As stated in Lamkin, "[t]he bookmark manager (716) provides the ability to use video bookmarks in conjunction with web bookmarks. As an example, a video bookmark is set, a web session is launched going to a preset web book marked source to retrieve video-related information, then later a return to the video at the book marked spot occurs." (See, Lamkin, FIG. 7 and paragraph [0137].) Accordingly, Lamkin maintains separate bookmarks for local content and server content to enable returning to a location indicated by the bookmark (See, Lamkin, paragraph [0136].)

Further, Lamkin provides for "platform validation to ensure a certified device is present" (see, Lamkin, paragraph [0134]) and provides for conditional access to the disk content based on the disk serial number. However, Lamkin does not disclose or suggest conditional access to server content based on identification of the local content and does not disclose or suggest that each bookmark includes a server content locator and a local content identifier to

link a local content item to a related server content item.

In view of the above, Applicants respectfully submit that the claim 1 is not anticipated or made obvious by the teachings of Lamkin. For example, Lamkin does not disclose or suggest a method that amongst other patentable elements, comprises (illustrative emphasis added) "wherein the system is operative to generate and to store a list of bookmarks, wherein each bookmark in the list of bookmarks includes a server content locator and a local content identifier to link a local content item to a related server content item; and wherein the rendering apparatus is operative to present the stored list of bookmarks to a user and render a server content item indicated by the server content locator of a user-selected bookmark conditional on having access to a local content title associated with the local content identifier of the user-selected bookmark, wherein if there is no access to the local content title, the server content item can not be rendered" as recited in claim 1, and as similarly recited in claims 19 and 20.

Lamkin merely teaches the use of "bookmarks" in a conventional sense where bookmarks are included in the actual video content to provide a forward and backward link from a point in the video media

to web content and a point to return to in local content after server content is executed. Further, Lamkin does not disclose or suggest restricting access to server content if there is no access to a local content title.

It is also respectfully submitted that the claim 18 is not anticipated or made obvious by the teachings of Lamkin. For example, Lamkin does not disclose or suggest a method that amongst other patentable elements, comprises (illustrative emphasis added) "generating and storing a new bookmark in a list of bookmarks to link the local content item to the related server content item, wherein the new bookmark includes the retrieved server content locator and corresponding local content identifier; and presenting the list of bookmarks, wherein if a bookmark on the list of bookmarks is not selectable, the bookmark is presented grayed to indicate that it is not selectable" as recited in claim 18. Evans is introduced to allegedly show elements of the dependent claims and as such, does not cure the deficiencies in Lamkin.
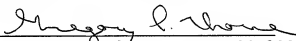
Based on the foregoing, the Applicants respectfully submit that independent claims 1, 18-20 are patentable over Lamkin and notice to this effect is earnestly solicited. Claims 2-17

respectively depend from claim 1 and accordingly are allowable over
Lamkin alone and in view of Evans, for at least this reason as well
as for the separately patentable elements contained in each of the
claims. Accordingly, separate consideration of each of the
dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or
averment of the Examiner that is not specifically addressed by the
foregoing argument and response. Any rejections and/or points of
argument not addressed would appear to be moot in view of the
presented remarks. However, the Applicants reserve the right to
submit further arguments in support of the above stated position,
should that become necessary. No arguments are waived and none of
the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By _____
Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101